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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,499	06/22/2001	Luigi Schiuma	GB920000072US1	7715
7590	07/27/2005			EXAMINER
RONALD A. E'ALESSANDRO, ESQ. HOFFMAN, WARNICK & D'ALESSANDRO LLC THREE E-COMM SQUARE ALBANY, NY 12207			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/887,499	SCHIUMA, LUIGI	
	Examiner Emmanuel Coffy	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-18 is/are pending in the application.
  - 4a) Of the above claim(s) 1-11 and 19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Response to Amendment***

1. This action is responsive to the amendment filed on May 31st, 2005. Claims 12-18 directed to a system for "Multi-platform Application" are pending. Claims 1-11 and 19 are canceled.

***Response to Arguments***

2. Applicant's arguments regarding the amendment placing the application in condition for allowance has been fully considered, however upon further search prior art is found which makes the limitation obvious to one of ordinary skill in the art.

Considering that in response to the Office's objecting to claim 19 for depending upon a rejected claim, applicant has canceled claims 1-11 and 19 and amended independent claim 12 to include the subject matter of claim 19, the Finality of the last office action is hereby withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913.) in further view of Chen et al. (US 6,549,882) and in further view of Jorgensen (US 6,862,622)  
Kraslavsky teaches the invention substantially as claimed including a network interface device which can communicate with other devices via a local area network (LAN) using

various protocols and frame types, and which can be remotely reconfigured to use different protocols and frame types. (See abstract)

Claim 12:

Kraslavsky discloses a system for simulating a TCP/IP environment in an IPX/SPX network, the system comprising:

a request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet to IPX subnets connected within a specified number of hops; (See col. 13, lines 1-27; col. 14, lines 37-47.)

a responses collector for receiving responses to the RIP request packet from the IPX subnets, each response having a response IPX Net Number and a response number of hops; and (See col. 11, lines 11-48.)

Kraslavsky fails to teach the following limitations:

a response filter for filtering the responses to remove responses in which the response number of hops is greater than the specified number of hops to produce a set of network numbers,

wherein the set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers, and

wherein the request sender periodically sends the IPX/SPX Routing Information Packet according to a pre-defined schedule.

However, Rune teaches "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers" extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

Neither Kraslavsky nor Rune teach filter for filtering responses. However, Chen extensively discloses a filter. (See Fig. 2, Fig. 3A, col. 2, lines 13-19.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the hop count system disclosed by Rune with the filtering process disclosed by Chen. Such a system would improve efficiency of the network by discriminating against responses from servers that are greater than a predefined number.

Kraslavsky, Rune and Chen do not teach Routing Information Packet according to a pre-defined schedule. However, it is common knowledge in the art as evidenced by Jorgensen at col. 50, lines 9-20 and throughout (col. 48, lines 9-13, 35-50; col. 49, lines 9-18.) Hence, it would have been obvious to an artisan of ordinary in the art to combine the communication system taught by Kraslavsky, the hop count system disclosed by Rune and the filtering process disclosed by Chen with the prioritization disclosed by Jorgensen. A system using the scheduling scheme taught by Jorgensen would avoid undue delay when using a connectionless medium thereby assuring the delivery of a high level of QoS.

Note: The recitation "system for simulating a TCP/IP environment in an IPX/SPX network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim 13:

Chen teaches the system of claim 12, wherein the responses filter further stores the set of network numbers in a table. (See col. 4, line 64-col. 5, line 6.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the responses filter taught by Chen.

Claim 14:

Rune discloses the system of claim 13, wherein the table of network numbers may be accessed to locate a server located on an IPX/SPX network in the case of a failure to locate a corresponding TCP/IP address for a web server. See col. 5, lines 27-56). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the table of network numbers taught by Rune.

Claim 15:

Kraslavsky teaches the system of claim 12, further comprising an IPX/SPX broadcast module for broadcasting the IPX/SPX packet to a selected subnet. (See col. 14, lines 58-61.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the communication system taught by Kraslavsky.

Claim 16:

Rune discloses the system of claim 15, wherein the IPX/SPX broadcast module uses a broadcast number of hops to indicate the selected subnet. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the IPX/SPX broadcast system taught by Rune.

Claim 17:

Rune teaches the system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to the sending of the IPX/SPX packet having a sending number of hops that is greater than the specified number of hops. (See Fig. 4, 5, 7, 8, 9, 10; col. 4, lines 37-43 and col. 10, lines 25-27.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the IPX/SPX broadcast system taught by Rune.

Claim 18:

Rune teaches the system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to a DNS response indicating a failure to locate a TCP/IP address for a requested web server. (See col. 5, lines 27-56).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the DNS system taught by Rune.

**CONCLUSION**

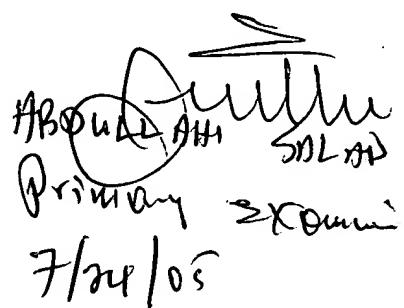
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy  
Patent Examiner  
Art Unit 2157

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EC  
July 14, 2005

  
ABDUL AHI SULAYMAN  
Primary Examiner  
7/24/05